

**Draft Summary of the Land Use, Land Management and Aesthetics Work Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
August 23, 2004**

The Department of Water Resources (DWR) hosted a meeting for the Land Use, Land Management and Aesthetics Work Group (LUWG) on August 23, 2004 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Cultural Resource-Related Resource Action
Attachment 4	Butte County Comment Letter on Study L1 (Land Use)

### **Introduction**

Attendees were welcomed to the LUWG meeting. Attendees introduced themselves and their affiliations. The participants reviewed the agenda and the desired meeting outcomes. The meeting agenda and list of meeting attendees are appended to this summary as Attachments 1 and 2, respectively.

### **Action Items – July 26, 2004 LUWG Meeting**

A summary of the July 26, 2004 LUWG meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

- Action Item #LU104:** Research what period of time Table 6.1-3 in the SP-L4 report corresponds to.  
Status: Mark Greenig (EDAW) researched this issue and found out that the exceedance data in the table are based on CALSIM II modeling, which uses historic hydrologic data (1922 to 1994) and 2001 level of demand. This period captures the range of water year types. It is not possible to estimate exceedance data using a shorter, more recent timeframe (e.g., last 10 years).
- Action Item #LU105:** Post Butte County PM&Es 4A and 4B to the relicensing web site as attachments to the May 2004 LUWG meeting notes.  
Status: Butte County PM&Es 4A and 4B were posted to the relicensing web site prior to the July 2004 LUWG meeting. This action item is complete.
- Action Item #LU106:** Participants will review the Butte County PM&Es 4A and 4B and notify the Facilitator by August 2 if they have heartburn sending these forward to the PDEA Team for further analysis. If concern is raised, a LUWG conference call will be initiated to discuss the concern and seek to reach consensus on the recommendation for these PM&Es.  
Status: LUWG participants had the opportunity to review Butte County PM&Es 4A and 4B. Based on concerns expressed by several participants, a follow-up conference call was held on August 12, 2004 to discuss this action item. The participants on the call discussed the history of the two PM&Es and agreed that the PM&Es could move forward for PDEA analysis and possible inclusion in the project alternatives, subject to removal of the provisions related to Ruddy Creek.
- Action Item #LU107:** Distribute the new cultural-related resource action to the LUWG and place it on the August 2004 LUWG meeting agenda.

Status: Jim Martin (DWR) explained that the new cultural-related resource action was not distributed to the LUWG and was not placed on the August 2004 LUWG meeting agenda because the DWR Resource Area Manager (RAM) for cultural resources reviewed the proposal and determined that it is strictly a cultural issue, and therefore, will be addressed by the Cultural Resource Work Group (CRWG). The LUWG agreed that this resource action be posted as an attachment to the August 2004 meeting notes (see Attachment 3).

## **Study Implementation Update / Report Review**

The Consultant Team provided an update to the LUWG on the five Land Use, Land Management and Aesthetics studies, as described below.

### ***SP-L1 (Land Use)***

The final L1 study report was distributed to the LUWG at the July 2004 LUWG meeting. The review of participants' comments on Study L1 is included as a separate agenda item (see discussion below).

### ***SP-L2 (Land Management)***

The final L2 study report was distributed to the LUWG. It is the last study report to be finalized and distributed to the LUWG. The final report addresses all comments made by participants on the earlier interim report. The LUWG was instructed to review the L2 report and provide comments by September 23, 2004, in advance of the scheduled LUWG September conference call. Preliminary comments made at the meeting on the L2 report include:

- Page 5-40: The discussion concerning the lack of DFG management in the OWA needs to be expanded. According to the Butte County representative the OWA is becoming more "lawless" and recreation visitation is declining because visitors do not feel safe in the OWA.
- Page 5-41: In the Thermalito Afterbay area, DWR manages recreation facilities and DFG manages wildlife-dependent recreation opportunities.
- The report should include reference to visitor and County dissatisfaction with OWA management.
- Butte County suggests it is incorrect to state that the degrading conditions at the OWA are only a recent phenomenon because the situation existed in the past and has simply gotten worse recently with DFG's lack of management. The decline began back in 1986 when funding was restricted.
- The question was raised whether management of the OWA should be separated into fishing/hunting regulations and wildlife/habitat management. It was agreed that these concepts are too interrelated to separate.
- L2 focuses on management and policy, while L1 addressed land use from a physical (on the ground) perspective.
- It was noted that public agencies with jurisdiction in the Project area have reviewed earlier drafts of the L2 report that pertain to that agency's management of resources in the Project area.
- The mapping and spatial data that largely makes up the L2 report will be a valuable resource tool for future management of the Oroville Facilities.

### ***SP-L3 (Comprehensive Plan Consistency)***

The final L3 study report is complete and has been released to the LUWG.

### ***SP-L4 (Aesthetics)***

The final L4 study report was distributed to the LUWG at the July 2004 LUWG meeting. The review of participants' comments on Study L4 is included as a separate agenda item (see discussion below).

### **SP-L5 (Fuel Load Management)**

The final L5 study report is complete and has been released to the LUWG.

### **Review Comments on SP-L1 and SP-L4**

The LUWG was given the opportunity to provide comments on the two study reports that were presented at the July 2004 LUWG meeting. A summary of the discussion is provided below. The participants were asked to provide all comments on these two studies at tonight's meeting, and to submit comments in writing to DWR wherever possible. Only factual comments will be considered in terms of revising the final reports and revisions will be included on an errata sheet for each report. It was further noted that substantive comments on the final reports would be considered as reports are used for the PDEA analysis.

#### **SP-L1 – Land Use**

Rob MacKenzie (Butte County) distributed a comment letter prepared by Butte County for Study L1 (see Attachment 4). The LUWG discussed these and other comments during the meeting. DWR indicated that internal DWR legal staff would need to review the letter prior to providing formal responses. The following comments were made by the LUWG on Study Report L1:

- Page 5-3: The discussion regarding historic development in Butte County is unclear. Steve Pavich (EDAW), primary author of the report, will doublecheck that section for accuracy.
- Rob MacKenzie noted that the description of the marinas as "full service" is incorrect in that the Lime Saddle Marina only offers limited facilities. DPR staff noted that DPR has recently finalized a new long-term concessionaire lease agreement for the Lime Saddle facility.
- Page 4-1: The text regarding the interim draft status of the report is incorrect. This comment is noted and will be addressed in an errata sheet to the study.
- Andy Atkinson (DFG) has not had the opportunity to review the report, but will do so and submit written comments as soon as possible.
- The description of the OWA should acknowledge the lack of DFG management and resulting effects on habitat management. It was explained that reference to this issue is included in L2 (Land Management) not L1 (Land Use) because it represents a land management issue. Additional comments related to this issue include:
  - Unsanitary and unsafe conditions at the OWA outlet, with no plan or funding available to address this situation.
  - Five-man warden teams are used to monitor the crowded 'combat fishing' in the OWA.
  - Covert law enforcement does not lend itself to productive recreation and habitat management. Visitors want consistency in law enforcement so that they feel safe.
  - There is a need for law enforcement presence and enforcement activities in the OWA.
  - DFG wildlife staff is no longer assigned to regions. As a result they are utilized in different areas and no consistency is established in any one particular area.
  - The current management situation at the OWA does not represent complete departure by DFG.

The LUWG agreed that L1 should include a description of the current management situation in the OWA. The applicable text from L2 (or a variation thereof) will be included as errata to L1. Butte County requested that recognition of the OWA problem be included in all study reports, including how DFG is currently managing the OWA. The LUWG discussed whether the current situation at the OWA represents baseline conditions for the PDEA. The LUWG agreed on the need for standard treatment of this issue across technical disciplines within the PDEA as applicable. Mark Greenig (EDAW) agreed to develop a standard description of the situation to be reviewed by the LUWG and DPR/DFG prior to distribution to the PDEA Team.

### **SP-L4 –Aesthetics**

The following comments were made by the LUWG on the L4 study report:

- Previous questions related to Table 6.1-3 were address in Action Item LU104 (see above).
- There are typos in the table of contents (U.S. Forest Service) and in Section 6.1.1.3 (penstocks should be singular).
- Table 6.1-2: Historic data from 1968 forward is not representative of current conditions.
- Clarify text associated with Table 6.1-3 to state that the table is based on modeled hydrologic conditions.
- Page 6-26: The exceedance data reported is not representative of current conditions. It was clarified that the exceedance data are based on 70+ years of hydrologic record and are in fact representative of conditions expected.
- The study should be concerned with the aesthetic impact of low lake-level conditions not the corresponding statistics and data.
- Page 6-34: Is it correct that the Thermalito Afterbay is only subject to up to a 2-foot elevation fluctuation? This statement appears to be inaccurate, and Mark Greenig (EDAW) will doublecheck with DWR staff. It was noted that water fluctuation at the Afterbay is tied to weekly pump-back operations. An accurate description of typical pump-back operations will be added to the report.
- It was acknowledged that boat wakes do harm wildlife, but that it is only one component of human interaction that as a whole affects wildlife.
- Some participants argued that the drawdown of the Afterbay is not an adverse aesthetic impact.
- One participant feels that the Afterbay outlet is not unsightly itself, although the surrounding land use environment is unattractive.

### **Next Meeting and Next Steps**

The LUWG agreed that since the review of comments on L2 was the sole agenda item, the next LUWG meeting could be held via conference call. The next LUWG meeting will be held on the following date/time:

Date: Monday, September 27, 2004  
Time: 1:00 PM to 2:00 PM  
Location: *Via conference call*

### **Action Items**

The following list of action items identified by the Land Use, Land Management and Aesthetics Work Group includes a description of the action, the participant responsible for the action, and item status.

- Action Item #LU108:** Attach the new cultural-related resource action to the August 2004 LUWG meeting notes and post to the relicensing web site. (Follow-up to Action Item #107)
- Responsible:** DWR  
**Due Date:** September 27, 2004
- Action Item #LU109:** Develop a standard description of the current management situation at the OWA for use by the PDEA Team.
- Responsible:** Mark Greenig (EDAW)  
**Due Date:** September 27, 2004

**Action Item #LU110:** Research water-level fluctuation and power operations at the Thermalito Afterbay for inclusion in Study L4 (Aesthetics).  
**Responsible:** Mark Greenig (EDAW)  
**Due Date:** September 27, 2004